



2. On March 7, 2017, Knighten filed an Unopposed Motion to Extend Time to Respond to Plaintiff's First Amended Complaint for Declaratory Judgment (Doc. #11). The Court granted that motion one day later (Doc. #12). Knighten filed his responsive pleading, in the way of an answer and a counterclaim, on March 29, 2017. (Doc. #15.)

3. On March 13, 2017, Renew filed an Unopposed Motion to Extend Time to Respond to Plaintiff's First Amended Complaint for Declaratory Judgment (Doc. #13). The Court granted that motion (Doc. #14), and Renew answered Plaintiff's allegations on March 31, 2017. (Doc. #17.)

4. Plaintiff filed this action seeking a declaratory judgment concerning those parties' rights and duties under several insurance policies Plaintiff issued to Renew, with respect to two underlying lawsuits pending in state district courts in Comal County, Texas. Those lawsuits, which were both filed on October 18, 2015, are: (1) Cause No. C2016-1722C, *Amy Arp v. Terry Knighten, Renew Ministries, Inc. and Celebrate Life Church, Inc.*, in the 274th Judicial District Court of Comal County, Texas (the "Arp Lawsuit"), and (2) Cause No. C2016-1723D, *Kristen Harvey v. Terry Knighten, Renew Ministries, Inc. and Celebrate Life Church, Inc.*, in the 433rd Judicial District Court of Comal County, Texas (the "Harvey Lawsuit"). Both of those lawsuits allege that Knighten engaged in unwanted and nonconsensual sexual assaults of the underlying plaintiffs while Knighten was the pastor and operator of Renew. (See Doc. #2-1, at 3-4; Doc. #2-2, at 3-4.)

5. On or about June 6, 2017, Renew sent Plaintiff a copy of Plaintiff's Original Petition in another state court lawsuit, by other claimants who allege that Knighten engaged in unwanted and nonconsensual sexual assaults. This new lawsuit, numbered and styled as Cause No. C2017-0741C, *Kristi Guerrero and Samuel Guerrero v. Terry Knighten, Renew Ministries, f/k/a Celebrate Life Church, Inc.*, is pending in the 274th Judicial District Court of Comal County, Texas (the "Guerrero Lawsuit"). Renew asked Plaintiff to defend it against the claims in the Guerrero lawsuit, just as Renew had for the Arp Lawsuit and the Harvey Lawsuit. Plaintiff has since agreed to provide a defense for Renew, subject to a reservation of rights.

6. On April 26, 2017, the Court entered an Order for Scheduling Recommendations and Advisory Concerning Assignment of Magistrate Judge. (Doc. #20). That Order directed the parties to submit a proposed scheduling order, including the following proposed guideline:

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by (the standard period being 120 days after the first defendant's appearance).

Doc. #20, at 2.

7. On June 16, 2017, the parties filed their proposed Scheduling Recommendations. (Doc. #26.) That filing contained this proposed deadline:

4. The parties shall file all motions to amend or supplement pleadings or to join additional parties by October 20, 2017.

Doc. #26, at 1.

8. The Court has not yet entered a scheduling order. Plaintiff is filing this motion for leave within the deadline the Court proposed (120 days after the first defendant's appearance) and the date the parties recommended.

## **II.**

### **THE MOTION FOR LEAVE**

9. Plaintiff seeks leave of court to file the proposed Plaintiff's Second Complaint for Declaratory Judgment, a copy of which is attached as **Exhibit A**.

10. Plaintiff's Second Complaint for Declaratory Judgment seeks to broaden the declaratory relief Plaintiff currently seeks to encompass the Guerrero Lawsuit.

11. This motion for leave and the proposed Plaintiff's Second Complaint for Declaratory Judgment conform with Fed. R. Civ. P. 8(a) and 10.

## **III.**

12. The proposed pleading amendment will not work any prejudice or create any surprise for Defendants or the parties who subsequently intervened in this lawsuit.

### **PRAYER**

Based on the foregoing, Plaintiff Philadelphia Indemnity Insurance Company prays that the Court grant this Unopposed Motion for Leave to Amend Complaint, and that the Court allow Plaintiff's Second Complaint for Declaratory Judgment to be filed among the papers in this case.

Dated: July 18, 2017

Respectfully submitted,

/s/ William R. Pilat

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**CERTIFICATE OF CONFERENCE**

I certify that I emailed a draft version of the preceding Motion for Leave, with the accompanying proposed amended complaint, to the attorneys for all the other parties to this case. On July 12, 2017, Jeffrey Jowers, who represents Renew Ministries, informed me he was unopposed to the filing of the motion for leave. Christopher Morrow, who represents Intervenor Amy Arp and Kristen Harvey, informed me on July 14, 2017, that he was unopposed to the filing of the motion for leave. Les Katona, who represents Renew Ministries, informed me on July 18, 2017 that he was unopposed to the filing of the motion.

/s/ William R. Pilat

William R. Pilat

**CERTIFICATE OF SERVICE**

I certify that on July 18, 2017, a true and correct copy of the foregoing *Motion for Leave* was forwarded to all other counsel of record, as listed below, by electronic filing through the electronic case filing system that serves the United States District Courts for the Western District of Texas:

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